

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
 THIRD JUDICIAL DISTRICT AT ANCHORAGE

PAULA DENISE CALUGAN, as Personal Representative for the Estate of Daniel Raymond Roehl, and KASIE GUNDERSEN, as parent and next friend of NICOLE GUNDERSEN, a minor,
 vs.
 JOSEPH CARR and TARA CARR,
 Defendants.

COPY
 Original Received

MAR 14 2005

Clerk of the Trial Courts

Case No: 3AN-05-5935 CI

PLAINTIFFS' COMPLAINT FOR DAMAGES

COME NOW plaintiffs, PAULA DENISE CALUGAN, as Personal Representative for the Estate of Daniel Raymond Roehl, and KASIE GUNDERSEN, as parent and next friend of NICOLE GUNDERSEN, a minor, by and through their counsel, the Law Offices of Patrick J. McKay and the Law Offices of David B. Loutrel, and by way of their complaint for damages against defendants, JOSEPH CARR and TARA CARR, allege as follows:

I

Jurisdiction and Venue

This is an admiralty and maritime claim for wrongful death and damages which occurred upon the navigable waters at the Sand Point Boat Harbor, within the Third Judicial District, State of Alaska. This Court has jurisdiction over all claims asserted herein.

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pursuant to 28 USC §1333, 46 USC Appx. §688, and the common law relating to maritime personal injury.

II

Venue is properly placed in the Superior Court for the State of Alaska at Dillingham, in that the vessel upon which Daniel Raymond Roehl suffered wrongful death, was within the vicinity of Sand Point, Alaska, Third Judicial District; the activities of the defendants complained of herein all took place in said District and vicinity, and; plaintiffs' damages were suffered within the vicinity of the Third Judicial District.

III

Parties

Plaintiff, Paula Denise Calugan, was appointed as Personal Representative for the Estate of Daniel Raymond Roehl on November 24, 2004, In The Matter of the Estate of Daniel Raymond Roehl, Case No. 3AN-04-577 P/E. Plaintiff Calugan is a resident of Sand Point, Alaska, and is, in all ways, authorized to commence this action.

IV

Plaintiff, Kasie Gundersen, is the natural mother of the minor child Nicole Gundersen (born 01/20/2000). Nicole Gundersen is the natural daughter of the decedent, Daniel Raymond Roehl. Kasie Gundersen and her daughter live in Sand Point, Alaska, within the Third Judicial District, State of Alaska.

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V

Defendants, Joseph and Tara Carr, are residents of the Third Judicial District, State of Alaska, and are the owners of the F/V Little White Dove. Defendant Joseph Carr, at all times relevant hereto, was the Master and Captain of the F/V Little White Dove and was responsible for the condition, maintenance and repairs of the F/V Little White Dove.

VI

At all times relevant hereto, Daniel Raymond Roehl (decedent), was a crew member and seaman of the F/V Little White Dove.

VII

Claims

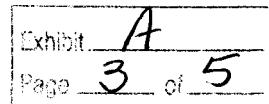
As owners, Master and Captain of the F/V Little White Dove, defendants had a duty to inspect for dangerous conditions on the vessel and further had a duty to ensure the seaworthiness of the vessel, including, but not limited to: maintenance and repair of the vessel.

VIII

On or about February 5, 2004, Daniel Raymond Roehl was a crew member of the F/V Little White Dove and was sleeping aboard the vessel as it was docked at the Sand Point Boat Harbor, within the Third Judicial District, State of Alaska. The vessel was consumed by fire, causing the death of Daniel Raymond Roehl, by smoke inhalation and fire.

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IX

The cause of the fire aboard the F/V Little White Dove on February 5, 2004 was due to unseaworthiness of the vessel caused by faulty maintenance, faulty wiring and failure to inspect the vessel for defective conditions. Defendants are at fault for the conditions aboard the F/V Little White Dove, and their acts and/or failure to act.

X

As a direct and legal cause of the unseaworthiness of the F/V Little White Dove, Daniel Raymond Roehl died, causing pecuniary losses, including, but not limited to: pain and suffering, past and future wage loss, and other economic and non-economic losses in amounts to be more fully proven at trial, but exceeding \$100,000.

XI

Plaintiff Kasie Gunderson, as mother and next friend of Nicole Gunderson, minor daughter of decedent Daniel Raymond Roehl, is entitled to an award on behalf of Nicole Gunderson for the loss of companionship and services of her father, Daniel Raymond Roehl.

XII

Plaintiffs are entitled to be awarded damages from defendants jointly and severely, for their negligence and violations of statutes and/or regulations, as the owners of the F/V Little White Dove.

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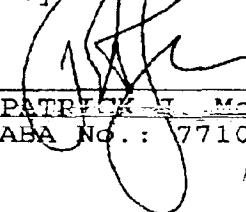
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WHEREFORE, having fully set forth their Complaint for Damages against defendants, JOSEPH CARR and TARA CARR, plaintiffs pray for the following relief:

- (1) For an award of damages in excess of \$100,000, in an amount to be more fully proven at trial;
- (2) For costs, interest and attorney's fees necessarily incurred to bring this action, and;
- (3) For such other and further relief this court deems just and equitable.

DATED this 14th day of March, 2005, in Anchorage, Alaska.

LAW OFFICES OF PATRICK J. MCKAY
LAW OFFICES OF DAVID B. LOUTREL
Attorneys for Plaintiffs

By: 

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